



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक २४ (२)]

सोमवार, एप्रिल ११, २०१६/चैत्र २२, शके १९३८

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असाधारण क्रमांक ३७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Yoga and Naturopathy Bill, 2016 (L. A. Bill No. XXII of 2016), introduced in the Maharashtra Legislative Assembly on the 11th April 2016, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXII OF 2016.

A BILL

to provide for the development of Yoga and Naturopathy by regulating the teaching and practice thereof and to deal with certain other matters connected therewith or incidental thereto.

WHEREAS it is expedient, in the public interest, to provide for the development of Yoga and Naturopathy and to regulate the teaching and practice thereof and to deal with certain other matters connected therewith or incidental thereto ; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short title, extent and commencement. **1. (1)** This Act may be called the Maharashtra Yoga and Naturopathy Act, 2016.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. **2.** In this Act, unless the context otherwise requires,—

(i) “Accreditation” means the recognition granted by the Council to the affiliated educational institutions, Yoga and Naturopathy hospitals, Yoga centers and Naturopathy centers, after conducting inspection and evaluation visits for that purpose, so as to signify an acceptable level of professional expertise and integrity in imparting education and providing healthcare;

(ii) “admission capacity” means the maximum number of students that may be fixed by the Council or the Maharashtra University of Health Sciences established under sub-section (1) of section 3 of the Maharashtra University of Health Sciences Act, 1998, as the case may be, from time to time, for being admitted to a course of study or training conducted by an affiliated educational institution ; Mah. X of 1999.

(iii) “affiliated center” means a Yoga center or a Naturopathy center affiliated to the Council ;

(iv) “affiliated educational institution” means an educational institution affiliated to the Council;

(v) “affiliated hospital” means a hospital affiliated to the Council;

(vi) “AYUSH” means the acronym for Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy ;

(vii) “Certificate” means a certificate in Yoga or Naturopathy awarded by the Council on passing of such course of study and training and of such duration as may be prescribed by the Council ;

(viii) “Council” means the Maharashtra Council of Yoga and Naturopathy constituted under section 3 ;

(ix) “Degree” means a degree in Yoga or Naturopathy or both awarded by the Maharashtra University of Health Sciences or any other statutory University in India and recognized by the Council ;

(x) “Diploma” means a diploma in Yoga or Naturopathy or both, awarded or recognized by the Council ;

(xi) “Director of AYUSH” means the Director of AYUSH appointed by the State Government for the State of Maharashtra ;

(xii) “educational institution” means a college or an educational institution conducting courses of study and training in Yoga or Naturopathy or both ;

(xiii) “Eligibility test” means an examination in Yoga and Naturopathy of such nature and standard as that of the examination held by the Council for the award of a Diploma, held or caused to be held only once by the Council for the purpose of registration under this Act, immediately after the commencement of this Act, on such date as the Council may determine ;

(xiv) “the Government” or “the State Government” means the Government of Maharashtra ;

(xv) “Hospital” means a Yoga and Naturopathy hospital with minimum ten in-patient beds and an out-patient department;

(xvi) “Maharashtra Council of Indian Medicine” means the Council established or deemed to have been established by the Government under section 3 of the Maharashtra Medical Practitioners Act, 1961 ;

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of 1961.

(xvii) “member” means a member of the Council ;

(xviii) “Naturopathic personnel” means persons possessing a Diploma or a Certificate in Naturopathy, recognized or awarded by the Council, and engaged in assisting a registered Yoga and Naturopathic practitioner in the practice of Naturopathy ;

(xix) “Naturopathy” means a drugless, non-invasive system of treatment involving the use of natural materials, based on the theory of vitality, theory of toxæmia, theory of the self-healing capacity of the body and the principle of healthy living, whether supplemented or not by such modern advances as the Council may from time to time, determine, but does not include homeopathy, acupuncture and physiotherapy ;

(xx) “Naturopathy center” means a center for naturopathic treatment, but does not include a hospital ;

(xxi) “prescribed” means prescribed by the rules ;

(xxii) “President” means the President of the Council ;

(xxiii) “recognized qualification” means a qualification in Yoga or Naturopathy or both, recognized by the Council ;

(xxiv) “recognized research institute” means an institute which conducts research in or related to Yoga or Naturopathy, or both, recognized by the Council ;

(xxv) “Register” means the register maintained by the Council under this Act ;

(xxvi) “Registered Naturopathic personnel” means Naturopathic personnel registered under the provisions of this Act ;

(xxvii) “Registered Yoga and Naturopathic practitioner” means a Yoga and Naturopathic practitioner registered under the provisions of this Act ;

(xxviii) “Registered Yoga personnel” means Yoga personnel registered under the provisions of this Act ;

(xxix) “Registered Yoga practitioner” means a Yoga practitioner registered under the provisions of this Act ;

(xxx) “Registrar” means the Registrar of the Council appointed under section 15 ;

(xxxi) “regulations” means the regulations made by the Council under section 47 ;

(xxxii) “rules” means the rules made by the State Government under section 46 ;

(xxxiii) “section” means a section of the Act ;

(xxxiv) “Vice-President” means the Vice-President of the Council ;

(xxxv) "Yoga and Naturopathic practitioner" means a person who is engaged in the practice of Yoga and Naturopathy as his principal occupation ;

(xxxvi) "Yoga center" means a center for yogic healing or instruction or both, but does not include a hospital or an educational institution ;

(xxxvii) "Yoga personnel" means persons possessing a Diploma or a Certificate in Yoga and engaged in assisting a registered Yoga practitioner in the practice of Yogic healing or instruction ;

(xxxviii) "Yoga practitioner" means a person who is engaged in the practice of Yogic healing or instruction, as his principal occupation;

(xxxix) "Yoga" means the ancient science of health and healing, based on the classical principles, which aims at physical, mental, social and spiritual development of a human being.

CHAPTER II

CONSTITUTION OF THE COUNCIL AND ITS INCORPORATION

Constitution
of Council and
its
incorporation.

3. (1) The State Government shall, by notification in the *Official Gazette*, as soon as may be after the commencement of this Act, constitute a Council to be called "the Maharashtra Council of Yoga and Naturopathy".

(2) The Council shall be a body corporate, having perpetual succession and a common seal, with power to acquire, hold, transfer or dispose of movable and immovable property, and to contract and may by the name aforesaid sue and be sued.

(3) The Council shall consist of the following members, who shall be citizens of India, namely :—

(a) four members, of whom at least one shall be a woman, elected from such constituencies as may be prescribed, by the registered Yoga practitioners from amongst themselves;

(b) four members, of whom at least one shall be a woman, elected from such constituencies as may be prescribed, by the registered Yoga and Naturopathic practitioner from amongst themselves;

(c) one member, elected by the registered Yoga personnel from amongst themselves;

(d) one member, elected by the registered Naturopathic personnel from amongst themselves;

(e) one member, nominated by the State Government from amongst registered Yoga practitioners;

(f) one member, nominated by the State Government from amongst registered Yoga and Naturopathic practitioners;

(g) one member nominated by the Maharashtra University of Health Sciences;

(h) one member nominated by the State Government from among the heads, called by any name, of affiliated educational institutions;

(i) one member nominated by the State Government from among the heads, called by any name, of recognized research institutions, if any;

(j) Director of AYUSH, *ex officio*;

(k) President, Maharashtra Council of Indian Medicine, *ex officio*;

(l) Director, National Institute of Naturopathy, Pune, *ex officio*.

(4) The election of the members referred to in clauses (a), (b), (c) and (d) of sub-section (3) shall be held at such time and at such place and in such manner as may be prescribed.

(5) If the Maharashtra University of Health Sciences fails to nominate a member as per clause (g) of sub-section (3) by the prescribed date, it shall be lawful for the State Government to nominate a registered practitioner to fill up the vacancy.

(6) If at any election under clauses (a), (b), (c) and (d) of sub-section (3), the electors fail to elect the requisite number of members, it shall be lawful for the State Government to nominate such registered Yoga practitioner or Yoga and Naturopathic practitioner or registered Yoga personnel or registered Naturopathic personnel, as the case may be, as it deems fit, to fill up the vacancy or vacancies; and the practitioners or personnel so nominated shall be deemed to have been duly elected under this section.

4. Notwithstanding anything contained in the foregoing sections or elsewhere in this Act, on the first constitution of the Council, all the members referred to in clauses (a), (b), (c) and (d) of sub-section (3) of section 3 shall be nominated by the State Government.

First constitution of Council.

5. The President and the Vice-President shall be elected by the members of the Council from amongst themselves at its first meeting after its reconstitution, at which quorum is present:

Election to offices of President and the Vice-President.

Provided that, the President and the Vice-President of the first Council shall be nominated by the State Government:

Provided further that, a person, who holds or who has held, office as the President or the Vice-President, as the case may be, shall, subject to other provisions of this Act, be eligible for re-election to that office.

6. Where any dispute arises regarding any election of a member or the President or the Vice-President, it shall be referred to the State Government, and the decision of the State Government thereon shall be final.

Dispute regarding election.

7. (1) The Government shall, by notification in the *Official Gazette*, publish the names of the members, both elected and nominated.

Term of office.

(2) Save as otherwise provided by this Act, a member, whether elected or nominated, shall hold office for a term of five years from the date of publication of the notification under sub-section (1).

(3) Save as otherwise provided by this Act, the President and the Vice-President shall hold the office from the date of their election, till the day on which their term of office as member expires.

(4) The term of office of an outgoing member shall, notwithstanding anything contained in sub-section (2), be deemed to extend to and expire with the day immediately preceding the day on which the names of the successor members are published under sub-section (1):

Provided that, it shall be lawful for the Government, if it deems right and proper, to supersede the Council by appointing an administrator after expiry of the term of office of the members, until the Council is reconstituted as per section 3 :

Provided further that, such administrator shall be appointed for a period not exceeding one year :

Provided also that, the Government may, if circumstances render it necessary and for compelling reasons, to be recorded in writing, extend the period of one year upto a maximum of two years.

(5) The administrator appointed under sub-section (4) shall be paid such salary and such allowances from the fund of the Council as the Government may determine by publishing a notification in the *Official Gazette*.

(6) The term of office of an outgoing President or Vice-President shall, notwithstanding anything contained in sub-section (3), be deemed to extend to and expire with, the day immediately preceding the day on which the successor President or Vice-President, as the case may be, is elected.

(7) An outgoing member shall be eligible for re-election or re-nomination.

(8) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

Casual
vacancies.

8. (1) Any casual vacancy, before the expiry of the term of the office of the President or the Vice-President or of a member elected under clause (a), (b) (c) or (d) of sub-section (3) of section 3, caused by reason of death, resignation, disqualification or disability or any other reason, shall be filled by election :

Provided that, any such vacancy in the office of an elected member occurring within six months prior to the date on which the term of office of all the members expires, shall not be filled.

(2) Any casual vacancy, previous to the expiry of the term in the office of a member nominated under clause (e), (f), (g), (h) or (i) of sub-section (3) of section 3 shall be reported forthwith by the Registrar to the State Government or the Maharashtra University of Health Sciences, as the case may be, and shall, as soon as possible thereafter, be filled by the State Government or the Maharashtra University of Health Sciences, as the case may be, by nomination.

(3) Any person elected under sub-section (1) or nominated under sub-section (2) to fill a casual vacancy shall, notwithstanding anything contained in section 7, hold office only so long as the person, in whose place he is elected or nominated, would have held office if the vacancy had not occurred.

Resignation.

9. (1) The President or Vice-President may, at any time, resign his office by a notice in writing addressed to the Council and delivered to the Registrar. The resignation shall take effect from the date on which it is accepted by the Council.

(2) An elected member may at any time, resign his office by a notice in writing addressed to the President. A nominated member may at any time resign his office by a notice in writing addressed to the Government or the Maharashtra University of Health Sciences, as the case may be. Every such resignation shall take effect from the date on which it is accepted.

Disqualification.

10. (1) A person shall be disqualified for being elected or nominated as, and for continuing as, a member, if,—

(a) he is, or becomes of, unsound mind and stands so declared by a competent court; or

(b) he is, or has been, convicted of any offence involving moral turpitude, which in the opinion of the Government renders him unfit to be a members of the Council; or

(c) he is, or at any time has been, adjudicated as an un-discharged insolvent; or

(d) his name has been removed from the register and has not been re-entered therein; or

(e) he is an employee of the Council; or

(f) he has directly or indirectly any share or interest in any contract with, by or on behalf of the Council; or

(g) he has been dismissed from the service of the Union Government or a State Government or a *Panchayat* or a Municipality on a charge of gross misconduct or an offence involving moral turpitude; or

(h) he is a person under the age of twenty-one years.

Explanation.— For the purposes of clause (g) the words '*Panchayat*' and '*Municipality*' shall have the same meaning as that defined in clause (d) of article 243 and clause (e) of article 243P of the Constitution of India, respectively.

(2) If any member absents himself from three consecutive meetings of the Council, without leave of the Council or without such reason as may, in the opinion of the Council, be sufficient, the Council may declare his seat vacant and take steps to fill the vacancy.

(3) If any member becomes or is found to be subject to any of the disqualifications mentioned in sub-section (1), the Council shall submit a report to the Government, and the Government, if satisfied about the disqualification, shall declare his seat vacant.

11. (1) If the President dies or resigns his office or ceases to hold office, the Council shall elect another person from amongst themselves as President and such President shall hold office for the unexpired period of the term of office of the former President. Casual vacancy of President.

(2) In the event of the occurrence of any vacancy in the office of the President under sub-section (1), the Vice-President shall discharge the functions of the President until a new President is elected.

(3) When the President is unable to discharge the duties of his office owing to absence, illness or any other cause, the Vice-President shall discharge the functions of the President until the date on which the President resumes his duties.

12. (1) The meetings of the Council shall be convened, held and conducted in such manner as may be prescribed. Meetings of Council.

(2) No business shall be transacted at any meeting of the Council unless a quorum of half of the total number of members of the Council is present.

(3) The President, when present, shall preside at every meeting of the Council. If at any meeting the President is absent, the Vice-President, and in the absence of the President and the Vice-President, some other member elected by the members present from among themselves, shall preside at such meeting.

(4) All questions at the meeting of the Council shall be decided by a majority of votes.

(5) In case of an equality of votes, the presiding authority shall exercise a second or a casting vote.

(6) The Council shall pay to its President, Vice-President and members and other persons appointed by it to any committee referred to in section 14, such expenses for attending meetings of the Council, Executive Committee of the Council and of such committee, including such travelling expenses for journeys undertaken in performance of the duties as may be prescribed.

Proceedings of
meetings and
validity of
acts.

13. (1) The proceedings of the discussion of every meeting of the Council shall be treated as confidential; and no person shall, without the previous resolution of the Council, disclose any proceedings thereof:

Provided that, nothing in this section shall prohibit a person from disclosing or publishing the text of a resolution adopted by the Council unless the Council directs such resolution also to be treated as confidential.

(2) No act or proceeding of the Council shall be invalid merely by reason of,—

(a) any vacancy in or any defect in, the constitution of the Council; or

(b) any defect in the election or nomination of a person as a member of the Council; and

(c) any irregularity in the procedure of the Council not affecting the merits of the case:

Provided that, the question whether such irregularity in procedure of the Council affects the merits of the case or not, shall be decided by the President whose decision shall be final and binding.

(3) During any vacancy in the Council, the continuing members may act as if no vacancy had occurred:

Provided that, the number of vacancies shall at no time exceed half of the total number of members of the Council.

Executive
Committee
and other
Committees.

14. (1) The Council shall, as soon as may be, constitute from among its members an Executive Committee and other committees to perform such functions, discharge such duties and exercise such powers as may be delegated by the Council.

(2) The Executive Committee shall consist of the President and the Vice-President as *ex officio* members and three other members elected by the members of the Council from among themselves in the prescribed manner.

(3) The President and the Vice-President of the Council shall be the President and the Vice-President, respectively, of the Executive Committee.

(4) The Registrar shall act as the secretary to the Executive Committee.

(5) No business shall be transacted at any meeting of the Executive Committee unless a quorum of three members is present.

(6) A member of the Executive Committee shall hold office until the expiry of his term of office as a member of the Council and he shall be eligible for re-election.

(7) A member may resign his membership of the Executive Committee by writing under his hand addressed to the President of the Committee and the consequent vacancy shall be filled by the Council by electing from among themselves another member, who shall not already be a member of the Executive Committee.

(8) The Executive Committee shall exercise such powers and perform such functions and discharge such duties as may be prescribed.

15. (1) The Council shall, with the previous sanction of the State Government, appoint a Registrar possessing such qualifications as may be prescribed. Registrar.

(2) The Executive Committee may, from time to time, grant leave to the Registrar:

Provided that, if the period of leave does not exceed 30 days, the leave may be granted by the President.

(3) During any temporary vacancy in the office of the Registrar, due to leave or any other reason, the Deputy Registrar shall act as the Registrar. If the Registrar and the Deputy Registrar both are not available, the Executive Committee may, with previous sanction of the Government, appoint any other person to act in his place, and any person so appointed shall, for the period of such appointment, be deemed to be the Registrar for the purposes of this Act:

Provided that, when the period of such vacancy does not exceed one month, the appointment may be made by the President, who shall forthwith report such appointment to the Executive Committee and the State Government.

(4) The Council may, with the previous sanction of the Government, or the Government may, if circumstances render it necessary, suspend, dismiss or remove any person appointed as Registrar, or impose any other penalty upon him:

Provided that, before passing any order under this sub-section, the Registrar shall be given reasonable opportunity of being heard.

(5) Save as otherwise provided by this Act, the salary and allowances and other conditions of service of the Registrar shall be such as may be prescribed.

(6) The Registrar shall be the *ex officio* secretary and executive officer of the Council. He shall also act as the secretary to the Executive Committee and other committees, if any, constituted by the Council.

(7) He shall attend all meetings of the Council, Executive Committee and other committees and shall keep minutes of the meetings and names of the members present and of the proceedings of such meetings.

(8) The accounts of the Council shall be kept by the Registrar in the prescribed manner.

(9) The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such other functions and discharge such other duties as may be specified in this Act or as may be prescribed.

XLV of 1860. (10) The Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. (1) Apart from the Registrar, the Council may appoint one or more Deputy Registrars and such other officers and servants as it may deem necessary and expedient for performing functions and discharging duties under this Act: Other employees of Council.

Provided that, the number and designation of such officers and servants and their salaries and allowances shall be determined by the Council, with the previous sanction of the Government.

(2) Notwithstanding anything contained in sub-section (1) but subject to such financial limit as may be laid down in this behalf by the Council, it shall be competent for the Executive Committee to create posts of clerks and servants, and to make appointments thereto, for such periods as may be prescribed, to meet any temporary increase in work, or to carry out any work of seasonal character.

(3) The other conditions of service of officers and servants shall be such as may be prescribed.

(4) Officers and servants appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 1860.

CHAPTER III

POWERS, FUNCTIONS AND DUTIES OF THE COUNCIL

17. (1) Subject to the conditions as may be prescribed by or under the provisions of this Act, the powers, functions and duties of the Council shall be,—

(i) to maintain the Register of Yoga practitioners, Yoga and Naturopathic practitioners, Yoga personnel and Naturopathic personnel under this Act;

(ii) to hear and decide appeals from any decision of the Registrar;

(iii) to prescribe a code of ethics for regulating the professional conduct of Yoga practitioners, Yoga and Naturopathic Practitioners, Yoga personnel and Naturopathic personnel;

(iv) to regulate the conditions for grant of permission to establish an educational institution and to start a new course of study or training leading to the award of any recognized qualification by the Council, or to increase the intake capacity of such a course;

(v) to regulate the conditions for grant of permission to establish a Yoga centre or Naturopathy centre;

(vi) to grant or refuse permission to establish an educational institution, start a new course of study and training leading to the award of any recognized qualification by the Council, or increase the intake capacity of such a course;

(vii) to regulate the conditions for grant of affiliation and accreditation to educational institutions, hospitals and centers;

(viii) to grant or refuse affiliation or accreditation to educational institutions, hospitals or centers and to withdraw such affiliation or accreditation, after affording the authority of the educational institution, hospital or center, as the case may be, a reasonable opportunity of being heard;

(ix) to regulate the conditions for grant of recognition to qualifications in Yoga, Naturopathy or both, and to research institutions;

(x) to grant or refuse recognition to qualifications in Yoga, Naturopathy or both, and to research institutions, and to withdraw such recognition, after affording the authority of the educational institution or research institution, as the case may be, a reasonable opportunity of being heard;

(xi) to provide for the inspection of and evaluation visits to affiliated and recognized institutions, hospitals and centers;

(xii) to reprimand a registered practitioner or personnel or to suspend or remove him from the Register or to take such other disciplinary action against him as may, in the opinion of the Council, be necessary or expedient;

(xiii) to call on the authority of an institution or, hospital or center affiliated to the Council, or of an institution, hospital or center applying for affiliation or accreditation to furnish, within such period as may be specified, such reports, returns or other information as the Council may require to judge the efficiency of the institution, hospital or center;

(xiv) to prescribe by regulations the courses of study and training in Yoga, Naturopathy or both, not inconsistent with the guidelines or benchmarks prescribed by the Government of India and the World Health Organization in that behalf, if any, leading to the award of Diploma or Certificate by the Council;

(xv) to prescribe by regulations the scheme and syllabus of the Eligibility Test held or caused to be held by the Council for the purpose of registration of practitioners and personnel;

(xvi) to hold examinations for the students of affiliated institutions and declare results thereof and to make all necessary arrangements for such examinations;

(xvii) to exercise general superintendence and control over the institutions, hospitals and centers affiliated or accredited to the Council and to give such institutions, hospitals and centers such directions as may be necessary and expedient in the opinion of the Council;

(xviii) to appoint, on such terms as the Council may determine, such number of inspectors for the inspection of affiliated or accredited institutions, hospitals and centers or institutions, hospitals and centers who may have applied for affiliation and accreditation, as the Council may deem fit;

(xix) to advise the State Government in matters of research in Yoga and Naturopathy;

(xx) to receive donations and to determine the conditions of acceptance of donations;

(xxi) to grant licenses to practice to persons who in the opinion of the Council are practitioners of Yoga or Naturopathy or both, of repute;

(xxii) to take measures, from time to time, to prohibit practice of Yoga or Naturopathy or both by persons not registered.

(xxiii) to exercise such other powers, perform such other functions, and discharge such other duties as are laid down in this Act or as may be prescribed or as the State Government may direct by a general or special order published in the *Official Gazette* in furtherance of the objectives of this Act;

(2) The Council may conduct Certificate and Diploma courses of study and training in Yoga or Naturopathy or both.

Syllabi and curriculum of courses of study and training.

18. The syllabi and curriculum of the courses of study and training leading to a recognized qualification shall not be inconsistent with the guidelines or benchmarks, prescribed, if any, by the Government of India and the World Health Organization, in that behalf.

Permission for establishment of new institutions, new course of study, etc.

19. (1) Save as provided by the Indian Medicine Central Council Act, 1970 or any other law made by the Parliament of India, for the time being in force in the State of Maharashtra, with effect from such date as may be notified by the State Government,—

(a) no person shall establish an educational institution; or

(b) no educational institution shall,—

(i) open a course of study or training leading to the award of any recognized qualification by the Council; or

(ii) increase the admission capacity in respect of any course of study or training;

except with the previous permission of the Council obtained in accordance with the provisions of this Act.

(2) The Council shall as soon as may be after the commencement of this Act, by regulations, prescribe the procedure for applying for obtaining permission, affiliation, accreditation and recognition and also for grant of such permission, affiliation, accreditation and recognition or refusal thereto.

(3) Save as provided by a law made by the Parliament of India, for the time being in force in the State of Maharashtra, with effect from such date as may be notified by the State Government,—

(a) no person shall establish or conduct a hospital or a centre, without affiliation of the Council;

(b) no person shall establish or conduct a research institution without recognition of the Council.

Explanation.—For the purposes of this section, ‘person’ shall include any University or trust or society or company or institution or body, called by any name, but shall not include the State Government or the Government of India or the Council.

Non-recognition of qualification in certain cases.

20. (1) Where after the coming into force of this Act, any educational institution is established without obtaining the previous permission of the Council in the prescribed manner, no qualification in Yoga or Naturopathy or both, granted to any person passing a course of study or training from such institution, shall be a recognized qualification for the purposes of this Act.

(2) Where any educational institution opens a new course of study or training without the previous permission of the Council obtained in the prescribed manner, no qualification in Yoga or Naturopathy or both, granted to any person passing such course of study or training be a recognized qualification for the purposes of this Act.

(3) Where any educational institution increases its admission capacity in any course of study or training without the previous permission of the Council obtained in the prescribed manner, no qualification in Yoga or Naturopathy or both, granted to any person passing such course from such institution on the basis of such unauthorized increase in admission capacity, shall be a recognized qualification for the purposes of this Act.

Explanation.—For the purpose of this section, the criteria for identifying a student who has been granted a qualification in Yoga or Naturopathy or both, on the basis of such unauthorized increase in the admission capacity, shall be such as may be prescribed.

21. Any person, who has established an educational institution before the date of coming into force of this Act, shall seek, within such period as the Government may determine by a notification in the *Official Gazette*, the permission of the Council in the prescribed manner; failing which the provisions of section 20 shall apply.

Time for seeking permission for certain existing Yoga and Naturopathy institutions.

22. Any person, who has established a hospital or center before the date of coming into force of this Act, shall seek, within such period as the Government may determine by a notification in the *Official Gazette*, the affiliation of the Council in the prescribed manner.

Time for seeking affiliation for certain existing hospitals and centers.

23. Any person, who has established a research institute before the date of coming into force of this Act, shall seek, within such period as the Government may determine by a notification in the *Official Gazette*, the recognition of the Council in the prescribed manner.

Time for seeking recognition for certain existing research institutions.

CHAPTER IV

PREPARATION AND MAINTENANCE OF REGISTER

24. (1) The Council shall maintain a register of practitioners and personnel in such form as may be prescribed.

Preparation of Register.

(2) The Registrar shall, from time to time, make necessary entries in the register in respect of the persons whose names are to be registered, their qualifications and their addresses and may, also from time to time, make such alterations and modifications therein as may be required in consequences of any orders passed by the Council.

25. (1) As soon as may be after the day on which this Act comes into force, the Registrar shall prepare and maintain thereafter a register of Yoga practitioners, Yoga and Naturopathic practitioners, Yoga personnel and Naturopathic personnel.

Persons entitled to be registered.

(2) The Register shall be divided into three parts namely Part A, Part B and Part C. Part A shall consist of the names of and other information about Yoga practitioners; Part B shall consist of the names of and other information about Yoga and Naturopathic practitioners, and Part C shall consist of the names of and other information about Yoga personnel and Naturopathy personnel.

(3) Every person who,—

(a) possesses a degree in Yoga awarded by the Maharashtra University of Health Sciences ;

(b) possesses a degree in Yoga awarded by any other statutory University in India and whose name is entered in a State register of practitioners of Yoga or Yoga and Naturopathy on the day on which this Act comes into force; or

(c) is a medical practitioner registered under the Maharashtra Homeopathic Practitioners' Act, 1959, Maharashtra Medical Practitioners Act, 1961 or the Maharashtra Medical Council Act, 1965 and possess a diploma in Yoga awarded by the Council ;

XII of 1960.
Mah. XXVIII of 1961.
XLVI of 1965.

(d) on the commencement of this Act or immediately thereafter, is a Yoga practitioner of repute in the opinion of the Council, shall be entitled to have his name registered in Part A of the register maintained under this Act.

(4) Every person who,—

(a) possesses a degree in Yoga and Naturopathy or Naturopathy awarded by the Maharashtra University of Health Sciences ;

(b) possesses a degree awarded by any other statutory University in India and whose name is entered in a State Register of practitioners of Yoga and Naturopathy or Naturopathy on the day on which this Act comes into force; or

(c) at the commencement of this Act or immediately thereafter, is a Yoga and Naturopathic practitioner of repute in the opinion of the Council, shall be entitled to have his name registered in Part B of the register maintained under this Act.

(5) Every person who,—

(a) possesses a diploma or certificate in Yoga or Naturopathy awarded by the Council; or

(b) possesses a Diploma in Yoga or Naturopathy or both awarded by any other statutory State Council or University in India and whose name is entered in the State Register of practitioners of Yoga or Naturopathy or both, maintained by that Council on the day on which this Act comes into force ;

(c) who possesses a recognized qualification but whose name is not entered in any State Register of practitioners of Yoga or Naturopathy or both ;

(d) having passed the higher secondary certificate examination held by a State or the Central Board or an equivalent examination, has qualified the Eligibility Test held or caused to be held by the Council for registration as Yoga personnel or Naturopathy personnel ;

shall be entitled to have his name registered in Part C of the register maintained under this Act.

26. (1) Every person who desires to have his name entered in the register shall submit to the Registrar an application in the prescribed form in the prescribed manner.

Application
for
registration.

(2) The Council may, on being satisfied that a person is qualified for registration under section 25, direct that his name be entered in the register, and the Registrar shall thereupon make necessary entries in the register and grant him a certificate of registration in the prescribed form.

27. (1) Every person whose name is entered in the register shall, for the retention of his name in the register, pay to the Council for every five years such renewal fee and at such time as may be prescribed.

Renewal of
registration.

(2) Where the renewal fee is not paid by the due date, it shall be lawful for the Registrar to remove the name of the defaulter from the register.

(3) On payment of the renewal fee, the Registrar shall, in the prescribed manner, endorse the certificate of registration.

28. If any person whose name is entered in the register obtains any other recognized qualification other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.

Entry of additional qualification.

29. (1) The Council may refuse to permit the registration, or direct the removal from the register, of the name of any person,—

Power of Council to refuse a registration or to remove name from register in certain cases.

(a) who has been convicted of an offence involving moral turpitude;

(b) who has been found guilty of infamous conduct in his professional capacity by a majority of at least two-thirds of the members of the Council after a due enquiry into his conduct :

Provided that, no such refusal or removal shall be made without offering such person a reasonable opportunity of being heard :

Provided further that, any refusal or removal under this sub-section may be rescinded if the conduct on the basis of which refusal or removal was directed is condoned for good and sufficient reasons.

(2) The Council may, on receipt of reliable information regarding the death of a person whose name is entered in the register, and on making such enquiry as it may think fit, direct the removal of his name from the register and thereupon the Registrar shall cancel the entry relating to such person.

(3) In holding any enquiry under sub-section (2), the Council or the Executive Committee, as the case may be, shall have the same powers as are vested in civil courts under the Code of Civil Procedure 1908, when trying suits in respect of the following matters namely,—

(a) enforcing the attendance of any person and examining him on oath ;

(b) compelling the production of documents; and

(c) issuing of commissions for the examination of witnesses.

(4) All enquiries under this section shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(5) For the purpose of advising the Council or the Executive Committee, as the case may be, on any question of law arising in any enquiry under this section, there may in all such enquiries be an assessor who has been for not less than ten years,—

(a) an Advocate enrolled under the Advocates Act, 1961; or

(b) an Attorney of a High Court.

(6) Any assessor under sub-section (5) may be appointed either for general enquiries or for any particular enquiry or class of enquiries, and shall be paid such remuneration as may be prescribed.

Cancellation of fraudulent and incorrect entries. **30.** Any entry in the register, which is proved to the satisfaction of the Registrar to have been fraudulently or incorrectly made, may be cancelled by an order of the Registrar.

Register to be a public document. **31.** The State register shall be deemed to be a public document within the meaning of Indian Evidence Act, 1872. I of 1872.

CHAPTER V

OFFENCES AND PENALTIES

Penalty on unregistered person practicing or pretending to be registered practitioner. **32.** (1) If any person, whose name is not entered in the register, falsely pretends that it is so entered or uses, in connection with his name, shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Metropolitan Magistrate or a Magistrate of the First Class having jurisdiction, with imprisonment which may extend to one year or with fine which may extend to twenty-five thousand rupees or both.

(2) If any person, who does not possess a recognized qualification and whose name is not entered in the Register, teaches or practices Yoga or Naturopathy or both, he shall be punishable, on conviction by a Metropolitan Magistrate or a Magistrate of the First Class having jurisdiction, with imprisonment which may extend to six months or with fine which may extend to twenty five thousand rupees or both:

Provided that, a person who without personal gain teaches Yoga or practices yogic healing or does domestic administration of Naturopathic remedies, shall not be deemed to be an offender under this section.

Penalty for failure to surrender certificate of registration. **33.** (1) If any person, whose name has been removed from the Register under section 30, fails, without sufficient cause, to forthwith surrender his certificate of registration, he shall be punishable with fine which may extend to twenty five thousand rupees.

(2) No cognizance of an offence punishable under this section shall be taken except upon complaint made by an order of the Council.

Prohibition of unauthorized conferment of Degree, Diploma, etc., and penalty for such conferment. **34.** (1) Except the Maharashtra University of Health Sciences, no person, association, society, body or institution, called by any name, shall confer grant or issue, or hold himself or itself out as entitled to confer, grant or issue, any Degree or Diploma, or any other document stating or implying that the holder, grantee or recipient thereof is qualified to teach or practice the Yoga or Naturopathy or both.

(2) Except the Maharashtra University of Health Sciences and the Council, no person, association, society, body, or institution, called by any name, shall confer, grant or issue, or hold himself or itself out as entitled to confer, grant or issue, any Diploma, license, Certificate or any other document stating or implying that the holder, grantee or recipient thereof is qualified to have his name entered in the register as registered Yoga personnel or Naturopathy personnel.

(3) Any contravention of the provisions of sub-section (1) or (2) shall be punishable with imprisonment which may be extend to three years and with fine which may extend to ten lakh rupees or with both; and if an association, society, body or institution is guilty of such contravention, every member thereof, who knowingly or willfully authorizes or permits the contravention, shall be punishable with imprisonment which may extend to three years and with fine which may extend to ten lakh rupees.

35. (1) No person shall use any letters or figures before or after his name indicating or implying that he possesses any qualification in Yoga or Naturopathy or both, unless such qualification is a recognized qualification under this Act and has been duly conferred by an institution or University or Council authorized to do so.

Penalty for improper assumption of Yoga or Naturopathy qualifications.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year or with fine which may extend to twenty five thousand rupees or both.

36. (1) The Registrar shall, from time to time as the occasion may require, on or before the date to be fixed in this behalf by the Council, cause to be published (provided that at least six months shall have elapsed from the date of the last publication) in print as well as in electronic form, a correct list of the names for the time being entered in the register setting forth therein,—

Publication and use of registration list.

(a) names of all registered practitioners, and personnels arranged in alphabetical order according to surname or last name, as the case may be;

(b) the registered address of each such person; and

(c) the registered qualification of each such person and the date on which each such qualification was obtained.

(2) The Registrar shall, from time to time as occasion arises, cause to be published in print as well as in electronic form a list supplementary thereto, containing additions and alterations in the register since the publication of the list under the sub-section (1).

(3) Every court shall presume that any person whose name is entered in the latest list published under sub-section (1), read with the latest list supplementary thereto, if any, published under sub-section (2), is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act:

Provided that, in the case of any person whose name does not appear in the latest list published under sub-section (1), read with the latest list supplementary thereto, if any, published under sub-section (2), a certified copy of the entry of the name of such person in the register, signed by the Registrar, shall be evidence that such person is registered under this Act.

37. All offences under sections 32, 33, 34 and 35 shall be cognizable and bailable.

Cognizance of offences.

CHAPTER-VI

MISCELLANEOUS

38. Subject to the provision of any law for the time being in force relating to instruments, the State Government shall have the power to regulate and control, by a general or special order published in the *Official Gazette*, the manufacture, storage or sale of Yoga and Naturopathic instruments and its modern advances by the grant of licenses to manufactures, stockiest and sellers on such conditions as may be prescribed.

Control of manufacture, storage and sale of Yoga and Naturopathic instruments.

39. No suit, prosecution or other legal proceeding shall lie in respect of any act or things done or omitted to be done in exercise or purported to be exercise of any power conferred by or under this Act on the State Government or the Council or the Executive Committee or any committee appointed by the Council or on the Registrar.

Bar of suit or other legal proceedings.

Appeal. **40.** (1) Any person or institution aggrieved by any decision or any order of the Council under section 29 of this Act may prefer an appeal before the State Government in such form and manner, within such time, on such conditions and on payment of such fees as may be prescribed.

(2) On receipt of such appeal, the State Government may, after giving the person concerned a reasonable opportunity of being heard, pass an order which shall be final and binding.

**Income and
expenditure of
Council.**

41. (1) The income of the Council shall consist of,—

(a) fees received from the practitioners and personnel;

(b) any other sums, including grants and donations, received by the Council;

Provided that, no donation shall be received by the Council from a foreign national, body, agency, institution or Government without the previous approval of the State Government.

(2) It shall be competent for the Council to incur expenditure for the following purposes, namely:—

(a) salaries and allowances of the Registrar and other staff maintained by the Council;

(b) fees and allowances paid to the Members of the Council and the Executive Committee;

(c) remuneration paid to the assessors;

(d) such other expenses as are necessary for exercising powers, performing functions, and discharging duties under this Act.

**Finance and
audit.**

42. (1) All fees payable under this Act shall be paid to the Council.

(2) An account of all assets and liabilities of the Council and of all fees, sums, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the prescribed manner.

(3) The account shall be audited annually by such officer of the State Government as may be deputed in this behalf by the State Government and the report of such audit shall be sent to the State Government and the Council by such officer.

**Administrative
audit.**

43. The State Government may annually conduct an administrative audit of any or all of the decisions, resolutions or any other business, or orders of the Council or its committees or the Registrar, so as to assess whether such decisions, resolutions and orders were in accordance with the provisions of this Act.

**Vigilance
officers.**

44. The Council shall, with the previous sanction of the Government, appoint such number of vigilance officers as it may deem necessary, for lodging complaints, upon being duly authorized by the Council in that behalf, about violation of section 32, 33, 34 or 35.

**Vigilance
committees
for effective
enforcement
of sections 32,
34 and 35.**

45. (1) The Government may constitute, from time to time, vigilance committees for every Taluka, District and revenue division to ensure the effective enforcement of sections 32, 34 and 35.

(2) Every such vigilance committee shall be chaired by an appropriate revenue officer in the taluka, district or revenue division, as the case may be:

XXII of 1951. Provided that, there shall be separate vigilance committees for the areas for which the Government has appointed a Commissioner of Police under section 7 of the Maharashtra Police Act, and such committees shall be chaired by the Commissioner of Police appointed for such area.

(3) The vigilance committee shall exercise such powers, perform such functions and discharge such duties as may be prescribed.

(4) The vigilance committee shall meet at such intervals and shall submit such reports as may be prescribed.

(5) The chairman and members of a vigilance committee shall be paid such allowances from the fund of the Council as may be prescribed.

46. (1) The State Government may, by a notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(i) the election of members of the Council and the Executive Committee, and the election of the Vice-President;

(ii) the functions to be performed by the President and the Vice-President;

(iii) the fees payable under this Act;

(iv) the expenses to be made under sub-section (6) of section 12;

(v) the salaries and allowances to be paid to the Registrar and other officers and employees of the Council;

(vi) the conditions for the grant of licences under section 38;

(vii) the procedure for applying for different classes of registrations and granting registrations thereof;

(viii) the procedure for affiliation and accreditation to the Yoga and Naturopathic institutions, hospitals and centers;

(ix) the manner in which the account referred to in sub-section (2) of section 42 shall be maintained;

(x) the procedure to be followed by the Council in,—

(a) conducting an enquiry under sub-section (2) of section 29;

(b) disposing of appeal against a decision of the Registrar;

(xi) any other matter which may be, or is required to be, prescribed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official*

Gazette, the rule shall, from the date of publication of a notification in the *Official Gazette*, of such decision have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to make regulations. **47.** (1) The Council may, with the previous approval of the State Government, make regulations, not inconsistent with the provisions of this Act and the rules made thereunder, for performing its functions and discharging its duties under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the conduct of business of the Executive Committee and of any other committee appointed by the Council;

(b) the time and place at which each meeting of the Council or Executive Committee shall be held;

(c) the issue of notices convening such meeting;

(d) the conduct of business thereat;

(e) any matter for which power to make regulations is conferred expressly or by implication on the Council by this Act.

Publications of rules and regulations. **48.** All rules and regulations framed under this Act shall be published in the *Official Gazette*.

Furnishing reports and information to Government. **49.** The Council shall furnish copies of its minutes, reports, abstracts of its accounts and other information to the State Government whenever called for.

Directions by Government. **50.** (1) The Council shall carry out such directions as may be issued from time to time by the State Government for the efficient administration of this Act.

(2) If any dispute arises between the Council and the State Government, in connection with the exercise of its powers, performance of its functions and discharge of its duties, under this Act, the decision of the State Government on such dispute shall be final and binding on the Council.

Power to supercede Council. **51.** (1) If at any time it appears to the State Government that the Council or its President or Vice-President has failed to exercise or has persistently made default in the performance of the duties imposed on it by or under this Act or has exceeded or abused any of the powers conferred upon it or him by or under this Act, or has willfully or without sufficient cause failed to comply with any direction issued by the State Government under section 50, the State Government may, by a notification in the *Official Gazette*, supercede the Council for such period as may be specified in the notification:

Provided that, before issuing a notification under this sub-section, the Government shall give a reasonable opportunity to the Council to show cause as to why it should not be superceded and shall consider the explanation and objection, if any, of the Council, without being bound by it.

(2) Upon the publication of a notification under sub-section (1) superceding the Council,—

(a) all the members of the Council shall notwithstanding that their terms of office had not expired on the date of supersession, vacate their offices;

(b) all the powers and duties which may by order under the provisions of this Act, be exercised or performed by or on behalf of the Council shall during the period of supersession be exercised and performed by such person or persons as the State Government may direct;

(c) all property vested in the Council shall during the period of supersession vest in the State Government.

(3) On the expiration of the period of supersession, specified in the notification, issued under sub-section (1), the State Government may,—

(a) extend the period of supersession for such further period as it may consider necessary but which period shall not in aggregate be more than two years; or

(b) take steps to constitute a new Council in the manner provided.

52. The provisions of this Act shall be in addition to and not in substitution or derogation of any other law for the time being in force in the State of Maharashtra.

Provisions of this Act to be in addition to and not in substitution or derogation of any other law.

53. No suit, prosecution or other legal proceeding shall lie against the State Government or the Council or any committee thereof, or any other officer or servant of the Government or Council for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

54. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Removal of difficulties.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

STATEMENT OF OBJECTS AND REASONS.

Yoga is the ancient science of health and healing, based on the classical principles, and aims at physical, mental social and spiritual development of a human being. 'Yoga' is a Sanskrit word which means to join or to unit, symbolising the union of body and consciousness.

2. Naturopathy is a drugless, non-invasive system of treatment involving the use of natural materials, based on the theory of vitality, theory of toxemia, theory for the self-healing capacity of the body and the principle of healthy living. It recognises the existence of the vital curative force within the body. Therefore, for curing diseases, it advocate aiding the human system to remove the cause of disease, namely toxins, by expelling the unwanted and unused matters from human body.

3. Both Yoga and Naturopathy originated in India and are being practised here since time immemorial. Today they are popular across the world. In fact, the United Nations Organisation, by its Resolution 69/131, dated the 11th December 2014, declared that the June 21st as the 'International Yoga Day'.

4. However, it is necessary to create opportunities for the development of Yoga and Naturopathy. It is also necessary to regulate their teaching and practise. Therefore, the Government of Maharashtra considers it necessary as well as expedient to provide for the development of Yoga and Naturopathy by regulating the teaching the practice thereof and to deal with certain other connected matters, by law.

5. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 6th April, 2016.

VINOD TAWDE,
Minister for Medical Education.

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(3).—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3(1) and (4).—Under this clause,—

(a) in sub-clause (1), power is taken to the State Government to constitute, by notification in the *Official Gazette*, the Maharashtra Council of Yoga and Naturopathy, for the purposes of Act;

(b) in sub-clause (4), power is taken to the State Government to prescribe by rules the time, place and manner of holding the elections of the Members referred to clauses (a), (b), (c) and (d) of sub-clause (3) of this clause .

Clause 7(1) and (5).—Under this clause,—

(a) in sub-clause (1), power is taken to the State Government to publish, by notification in the *Official Gazette*, the names of the elected and nominated members of the Council;

(b) in sub-clause (5), power is taken to the State Government to determine, by notification in the *Official Gazette*, the salary and allowances to be paid to the administrator appointed under sub-clause (4) of clause 7.

Clause 12(1).—Under this clause, power is taken to the State Government to prescribe by rules, the manner in which the meetings of Council shall be convened, held and conducted.

Clause 14(2) and (8).—Under this clause, power is taken to the State Government to prescribe by rules,—

(a) in sub-clause (2), the manner of electing three other members of the Council from amongst themselves by the Council as the members of the Executive Committee;

(b) in sub-clause (8), the powers, functions and duties as may be exercised by the Executive Committee of the Council.

Clause 15(1), (5), (8) and (9).—Under this clause, power is taken to the State Government to prescribe by rules,—

(a) in sub-clause (1), the qualifications to be possessed for the appointment of a Registrar;

(b) in sub-clause (5), the salary, allowances and other conditions of service of the Registrar;

(c) in sub-clause (8), the manner to keep the accounts of the Council by the Registrar; and

(d) in sub-clause (9), the supervisory powers of the Registrar over the staff and such other functions which may be performed and other duties which may be discharge by the Registrar.

Clause 16 (2) and (3).—Under this clause, power is taken to the State Government to prescribe by rules,—

(a) in sub-clause (2), a period for the post of clerks and servants which may be created to meet any temporary increase in work, or to carry out any work of seasonal character; and

(b) in sub-clause (3), other condition of service of officers and servants.

Clause 17 (1).—Under this clause, power is taken to the State Government to prescribe by rules, the conditions subject to which the Council shall have the powers, functions and duties under this Act.

Clause 19(1) and (3).—Under this clause power is taken to the State Government to notify the date from which,—

(i) in sub-clause (1), (a) no person shall establish an educational institution; or

(b) no educational institution shall,—

(i) open a course of study or training leading to the award of any recognized qualification by the Council; or

(ii) increase its admission capacity in any course of study or training; except with the previous permission of the Council obtained in accordance with the provisions of the Act;

(ii) in sub-clause (3),—

(a) no person shall establish or conduct a hospital or a center, without affiliation of the Council;

(b) no person shall establish or conduct a research institution without recognition of the Council.

Clause 21.—Under this clause, power is taken to the State Government to,—

(a) specify, by notification in the *Official Gazette*, the period within which any person, who has established an educational institution before the date of coming into force of this Act, shall seek the permission of the Council;

(b) prescribe by rules the manner for seeking such permission.

Clause 22.—Under this clause, power is taken to the State Government to,—

(a) specify, by notification in the *Official Gazette*, the period within which any person, who has established a hospital or center before the date of coming into force of this Act, shall seek the permission of the Council;

(b) prescribe by rules the manner for seeking such permission.

Clause 23.—Under this clause, power is taken to the State Government to,—

(a) specify, by notification in the *Official Gazette*, the period within which any person, who has established a research institute before the date of coming into force of this Act, shall seek the permission of the Council;

(b) prescribe by rules the manner for seeking such permission.

Clause 24(1).—Under this clause, power is taken to the State Government to prescribe by rules the form in which a register of practitioners and personnel shall be maintained by the Council.

Clause 26(1).—Under this clause, power is taken to the State Government to prescribe by rules the form and the manner for submitting the application for entering the name of every person who desires to have the same in the register.

Clause 27 (1) and (3).—Under this clause,—

(a) in sub-clause (1), power is taken to the State Government to prescribe by rules the renewal fees to be paid to the Council for retention of name in the register;

(b) in sub-clause (3), power is taken to the State Government to prescribe the manner of endorsing the certificate of registration.

Clause 28.—Under this clause, power is taken to the State Government to prescribe the fee for entry of additional qualification in the register.

Clause 38.—Under this clause, power is taken to the State Government to regulate and control, by a general or special order published in the *Official Gazette*, the manufacture, storage or sale of Yoga and Naturopathic instruments by the granting of licenses to manufactures, stockiest and sellers on such conditions as may be prescribed by rules.

Clause 40(1).—Under this clause, power is taken to the State Government to prescribe by rules the form, manner, time, conditions and fees for filing an appeal before the State Government by any person or institution aggrieved by any decision or any order of the Council under clause 29.

Clause 45 (3), (4) and (5).—Under this clause,—

(a) in sub-clause (3), power is taken to the State Government to prescribe by rules power, functions and duties of the Vigilance Committees;

(b) in sub-clause (4), power is taken to the State Government to prescribe by rules the manner in which meetings of the Vigilance Committees.

Clause 46.—Under this clause, power is taken to the State Government to make rules, by notification in the *Official Gazette* and subject to the condition of previous publication, for carrying into effect the provisions of the Act.

Clause 47.—Under this clause, power is taken to the Council to make, with the previous approval of the State Government, the regulations, not inconsistent with the provisions of the Act or the rules made thereunder, for performing its functions and discharging its duties under the Act.

Clause 48.—Under this clause, power is taken to the Council to publish all the regulations made by it in the *Official Gazette*.

Clause 51(1).—Under this clause, power is taken to the State Government to supercede, by a notification in the *Official Gazette*, the Council for such period as may be specified in the notification, if at any time it appears to the State Government that the Council or its President or Vice-President has failed to exercise or has persistently made default in the performance of the duties imposed on it or him by or under the Act or has exceeded or

abused any of the powers conferred upon it or him by or under the Act, or has willfully or without sufficient cause failed to comply with any direction issued by the State Government under clause 38.

Clause 54.—Under this clause, power is taken to the State Government, to remove by an order published in the *Official Gazette*, any difficulty which may arise in giving effect to the provisions of the Act, within a period of two years from the date of commencement of the Act.

2. The above-mentioned proposals for delegated of legislation are of normal character.

FINANCIAL MEMORANDUM

Clause 3(1) of the bill provides for the establishment of the Maharashtra Yoga and Naturopathy Council. Clause 41 of the bill provides that the expenditure for the proper functioning of the said Council and the payment of salaries and allowances to its officers and servants would be met from the income of the said Council, that is, the fees received from the practitioners and personned and any other sums, including donations, received by the said Council. However, initially, the necessary expenditure in this behalf may be required to be made, after due appropriation, from the Consolidated Fund of the State. For the time being, no expenditure from the Consolidated Fund of the State is contemplated.